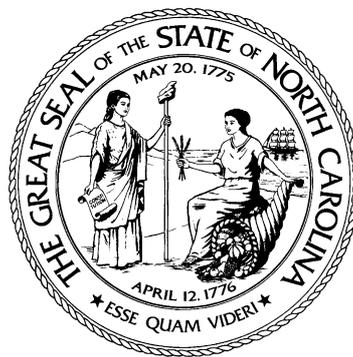


**HOUSE SELECT COMMITTEE ON SEX OFFENDER ISSUES**



**REPORT TO THE  
2009 GENERAL ASSEMBLY  
OF NORTH CAROLINA**

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2. A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF JUSTICE TO SUPPORT NEW SBI COMPUTER CRIME AND COMPUTER FORENSICS AGENT POSITIONS TO INCREASE PROACTIVE UNDERCOVER LAW ENFORCEMENT EFFORTS AGAINST SEXUAL PREDATORS WHO ATTEMPT TO PREY ON CHILDREN.
3. THE COMMITTEE RECOMMENDS THAT A TEMPORARY STANDING COMMITTEE BE CREATED TO CONTINUE TO LOOK AT SEX OFFENDER ISSUES DURING THE 2009 LEGISLATIVE SESSION. SOME OF THE ISSUES THE TEMPORARY STANDING COMMITTEE SHOULD EXAMINE INCLUDE, BUT ARE NOT LIMITED TO, REGISTRATION OF TEMPORARY RESIDENCES, THE RESTRICTIONS OF G.S. 14-208.18, THE REQUIREMENTS OF RECENT FEDERAL LEGISLATION, AND WHETHER THE STATE SHOULD AMEND ITS LAWS TO CONFORM TO FEDERAL LEGISLATION.

January 27, 2009

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE  
2009 GENERAL ASSEMBLY OF NORTH CAROLINA:

The House Select Committee on Sex Offender Issues herewith submits  
to you for your consideration its report.

Respectfully submitted,

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Representative Bruce Goforth

Chair

## PREFACE

The House Select Committee on Sex Offender Issues, established by the Speaker of the House of Representatives on February 19, 2008, is authorized to study the sex offender issues in North Carolina.

The Committee is chaired by Representative Bruce Goforth. The committee clerk maintains a notebook containing the committee minutes and all information presented to the committee.

**HOUSE SELECT COMMITTEE ON SEX OFFENDER ISSUES**  
**MEMBERSHIP LIST**

Representative Bruce Goforth – Chair  
Representative Karen Ray – Vice Chair  
Representative Alice L. Bordsen  
Representative Jean Farmer-Butterfield  
Representative Rick Glazier  
Representative W. Robert Grady  
Representative Verla Insko  
Representative Joe L. Kiser  
Representative Ray Warren  
Representative Roger West

## COMMITTEE PROCEEDINGS

### September 30, 2008

The House Select Committee on Sex Offender Issues held its first meeting on September 30, 2008

**Susan Sitze, Committee Co-Counsel**, presented information concerning a N.C. Court of Appeals decision concerning the definition of "residence" as it applies to persons who are required to register as sex offenders. Ms. Sitze then reviewed G.S. 14-208.8A, which requires persons who must register as sex offenders to notify the sheriff of the person's place of employment and temporary residence (hotel, motel, or other transient lodging place) if the person works in a county other than the county in which the person is registered and maintains a temporary residence in that county for more than 10 business days within a 30-day period. Ms. Sitze also reviewed the following statutes: G.S. 14-208.16, which defines residential restrictions; G.S. 153-A, which covers the definition of a legal residence for social service purposes; and G.S. 163-57, which defines residence for the purpose of registration and voting.

After some discussion the committee agreed that if a registered sex offender is residing in a location for 10 days or more within a one-month period, the sheriff should be notified. Committee staff was asked to present one or more proposals to the Attorney General's office and to provide the information to Committee members prior to the next meeting. The suggestion was made that the Committee utilize a provision in the State's election law that defines "residence" for voting purposes. Questions were also raised about the impact of proposed legislation on the State's budget. Committee members agreed that the type of activity committed by a sex offender and where the offense occurred should be factors in imposing additional registration requirements.

The meeting adjourned after additional discussion by the committee members.

### November 13, 2008

The House Select Committee on Sex Offender Issues held its second meeting on November 13, 2008.

The Committee heard from **Mr. Grier Weeks from the National Organization to Protect Children (PROTECT)**. According to its mission statement, PROTECT is a national pro-child, anti-crime membership association. Mr. Weeks introduced **David Keith, National Chairman for PROTECT**. Mr. Keith is also a well know actor who has starred in a number of films. Mr. Keith indicated that United States consumers are

responsible for more than 50% of pornography. According to Mr. Keith, 83% of the children in pornographic films are 6 to 12 years of age, 39% are 3-5 years old and 20% are less than the age of three. Mr. Keith indicated that so-called "stranger danger" affects only about 4% of abused kids; the other 96% are abused by a member of the family or a trusted adult. He described a study of 62 prisoners who were given amnesty on any additional charges to discuss their crimes. Over 80% of the offenders admitted to assaulting more than 27 children each. Mr. Keith said there are more than 750,000 traffickers in pornography, and the use of a computer program that allows law enforcement to analyze computer hard drives has resulted in the rescue of a child 40% of the time. However, due to manpower and money shortages only about 2% of leads result in a full investigation and the percentage of leads that eventually result in a conviction is even lower, generally because of plea bargains.

The Committee heard from **Mr. Bob Carbo, Co-Director of the Sex Offender Accountability and Responsibility (SOAR) program for the N.C. Department of Correction.** The SOAR Program provides treatment of incarcerated sexual offenders. Through the program participants learn that sexually abusive behavior is both controllable and manageable. The SOAR program, which is strictly voluntary, is located at the Harnett Correctional Institution in Lillington. Of more than 250 applicants only 60 per year are admitted due to staff & space shortage.

**Emily Johnson, Committee Co-Counsel,** presented draft legislation for consideration by the Committee. The legislation addresses the definition of a "residence" and a "temporary residence" and creates a new criminal offense for the failure to report a temporary residential address. The new criminal offense would be punishable as a Class F felony. The new criminal penalties would only apply to offenses which occurring on or after December 1, 2009. The proposed legislation was discussed and approved by the Committee.

### **December 18, 2008**

The House Select Committee on Sex Offender Issues held its third meeting on December 18, 2008.

The Committee heard from **Mr. Kevin West, Special Agent in Charge, of the SBI Computer Crimes Unit/NC Internet Crimes against Children (ICAC).** Mr. West discussed the sources of information about Computer Crimes, including requests from local agencies, requests from federal partners, the Cyber-tip line, undercover operations and referrals from other ICAC units across the country. There are 60 National ICAC Task Forces and 70 local, State and Federal partners. Referrals on the Cyber-tip line are made by Internet companies (which are required to do so) and members of the public. Agent West described a typical cyber-tip case from receipt of the information to the issuance of a subpoena, then verification and research to the summary and assignment to

an SBI agent with a prepared warrant. **Mr. Greg McLeod, NC Department of Justice** was recognized. McLeod reported that some special federal funding had enabled the SBI to purchase a high tech training laboratory.

The Committee discussed and adopted a recommendation to provide additional funding for new agents. The Committee also adopted a recommendation to add a statutory provision concerning address changes.

**Susan Sitze, Committee Co-Counsel**, gave an overview of the new G.S. 14-208.18 concerning sex offenders unlawfully on certain premises intended primarily for the use or care of minors. She also gave the committee a copy of “The North Carolina Sex Offender & Public Protection Registration Programs”, and shared comments from Attorney General Roy Cooper regarding the SBI Computer Crimes Unit and the positive work done by that Unit.

Representative Rick Glazier was appointed to coordinate a special working group to consider various issues related to sex offender registration requirements.

**Emily Johnson, Committee Co-Counsel**, was recognized to give a review of draft legislation to require the registration of persons conviction of the offense of taking indecent liberties with a student. After discussion and the adoption of several changes proposed by members of the committee, the draft was approved. **Jean Sandaire of the legislature's Fiscal Research Division** reviewed a Fiscal Analysis Memorandum related to the draft legislation.

Before the committee adjourned Representative Goforth recognized Representative Karen Ray for her dedicated work as Vice-Chair of this Committee.

### **January 22, 2009**

The House Select Committee on Sex Offender Issues held its fourth and final meeting on January 22, 2009 to discuss its recommendations to the 2009 General Assembly.

## COMMITTEE RECOMMENDATIONS

1. A BILL TO BE ENTITLED AN ACT TO ADD THE OFFENSE OF TAKING INDECENT LIBERTIES WITH A STUDENT TO THE LIST OF SEX OFFENSES THAT REQUIRE REGISTRATION UNDER THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAM.
2. A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF JUSTICE TO SUPPORT NEW SBI COMPUTER CRIME AND COMPUTER FORENSICS AGENT POSITIONS TO INCREASE PROACTIVE UNDERCOVER LAW ENFORCEMENT EFFORTS AGAINST SEXUAL PREDATORS WHO ATTEMPT TO PREY ON CHILDREN.
3. THE COMMITTEE RECOMMENDS THAT A TEMPORARY STANDING COMMITTEE BE CREATED TO CONTINUE TO LOOK AT SEX OFFENDER ISSUES DURING THE 2009 LEGISLATIVE SESSION. SOME OF THE ISSUES THE TEMPORARY STANDING COMMITTEE SHOULD EXAMINE INCLUDE, BUT ARE NOT LIMITED TO, REGISTRATION OF TEMPORARY RESIDENCES, THE RESTRICTIONS OF G.S. 14-208.18, THE REQUIREMENTS OF RECENT FEDERAL LEGISLATION, AND WHETHER THE STATE SHOULD AMEND ITS LAWS TO CONFORM TO FEDERAL LEGISLATION.

## ATTACHMENTS

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**D**

**BILL DRAFT 2009-LHz-13 [v.4] (12/11)**

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
12/18/2008 4:50:33 PM**

Short Title: Sex Offender Registry/Liberties w/ Student.

(Public)

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Sponsors: Representative.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO ADD THE OFFENSE OF TAKING INDECENT LIBERTIES WITH A STUDENT TO THE LIST OF SEX OFFENSES THAT REQUIRE REGISTRATION UNDER THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAM.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-208.6(5) reads as rewritten:

"(5) "Sexually violent offense" means a violation of G.S. 14-27.2 (first degree rape), G.S. 14-27.2A (rape of a child; adult offender), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first degree sexual offense), G.S. 14-27.4A (sex offense with a child; adult offender), G.S. 14-27.5 (second degree sexual offense), G.S. 14-27.5A (sexual battery), G.S. 14-27.6 (attempted rape or sexual offense), G.S. 14-27.7 (intercourse and sexual offense with certain victims), G.S. 14-27.7A(a) (statutory rape or sexual offense of person who is 13-, 14-, or 15-years-old where the defendant is at least six years older), G.S. 14-43.13 (subjecting or maintaining a person for sexual servitude), G.S. 14-178 (incest between near relatives), G.S. 14-190.6 (employing or permitting minor to assist in offenses against public morality and decency), G.S. 14-190.9(a1) (felonious indecent exposure), G.S. 14-190.16 (first degree sexual exploitation of a minor), G.S. 14-190.17 (second degree sexual exploitation of a minor), G.S. 14-190.17A (third degree sexual exploitation of a minor), G.S. 14-190.18 (promoting prostitution of a minor), G.S. 14-190.19 (participating in the prostitution of a minor), G.S. 14-202.1 (taking indecent liberties with children), ~~or~~ G.S. 14-202.3 (Solicitation of child by computer to commit an unlawful sex act), G.S. 14-202.4 (Taking indecent liberties

1                   with a student), G.S. 14-318.4(a1) (parent or caretaker commit or  
2                   permit act of prostitution with or by a juvenile), or G.S. 14-318.4(a2)  
3                   (commission or allowing of sexual act upon a juvenile by parent or  
4                   guardian). The term also includes the following: a solicitation or  
5                   conspiracy to commit any of these offenses; aiding and abetting any of  
6                   these offenses."

7                   **SECTION 2.** This act becomes effective December 1, 2009, and applies to  
8                   all persons convicted of a violation of G.S. 14-202.4 on or after that date.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**D**

**BILL DRAFT 2009-LHz-18 [v.3] (12/18)**

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)**

**1/21/2009 3:59:35 PM**

Short Title: SBI Computer Crime/Forensic Agent Funds.

(Public)

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Sponsors: Representative.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF JUSTICE TO  
SUPPORT NEW SBI COMPUTER CRIME AND COMPUTER FORENSICS  
AGENT POSITIONS TO INCREASE PROACTIVE UNDERCOVER LAW  
ENFORCEMENT EFFORTS AGAINST SEXUAL PREDATORS WHO  
ATTEMPT TO PREY ON CHILDREN.

The General Assembly of North Carolina enacts:

**SECTION 1.** There is appropriated from the General Fund to the  
Department of Justice the sum of nine hundred sixty thousand five hundred twelve  
dollars (\$960,512) for the 2009-2010 fiscal year to support eight new SBI computer  
crime and computer forensics agents to increase proactive undercover law enforcement  
efforts and to speed-up the analysis of computer forensic evidence in order to arrest and  
prosecute sexual predators who attempt to prey on children.

**SECTION 2.** This act becomes effective July 1, 2009.